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## SENATE BILL No. 532

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-23-6.5; IC 16-19; IC 16-37-1-9; IC 34-30-20-64.5; IC 36-2-14-22.3.

**Synopsis:** Coroners. Reestablishes the coroners training board (board) within the state department of health (state department). Requires the state department to provide staff and administrative support to the board. Establishes fees to obtain additional copies of death certificates. Establishes the coroner review board, which is established to review a coroner's determination of a cause of death. Allows the coroner review board to order a coroner to revise a certificate of death if the review board determines that the coroner made an incorrect determination as to the cause of a death. Repeals the current law governing the coroners training board.

**Effective:** July 1, 2009.

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### Merritt

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January 15, 2009, read first time and referred to Committee on Local Government.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE BILL No. 532

A BILL FOR AN ACT to amend the Indiana Code concerning public health.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 16-19-14 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2009]:  
4 **Chapter 14. Coroners Training Board**  
5 **Sec. 1. As used in this chapter, "board" refers to the coroners**  
6 **training board established by section 3 of this chapter.**  
7 **Sec. 2. As used in this chapter, "fund" refers to the coroners**  
8 **training and continuing education fund established by section 8 of**  
9 **this chapter.**  
10 **Sec. 3. (a) The coroners training board is established within the**  
11 **state department.**  
12 **(b) The state department shall provide staff and administrative**  
13 **support to the board.**  
14 **Sec. 4. (a) The board consists of seven (7) members. The board**  
15 **must include the following:**  
16 **(1) The state health commissioner or the commissioner's**  
17 **designee.**



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(2) Five (5) county coroners appointed by the governor, who shall consider appointing coroners who are women or members of minority groups.

(3) A citizen appointed by the governor who:

(A) has training in medico-legal death investigation;

(B) has training in forensic science;

(C) is a physician licensed under IC 25-22.5-1; or

(D) is a registered nurse.

(b) Not more than three (3) of the county coroner members of the board may be from the same political party.

Sec. 5. (a) The state health commissioner or the commissioner's designee shall serve as chairperson of the board.

(b) The board shall annually elect a vice chairperson from among the members of the board.

Sec. 6. The board shall meet at least two (2) times each year.

Sec. 7. The board shall adopt rules under IC 4-22-2 concerning the following:

(1) Standards for continuing education and training for county coroners, including education and training requirements set forth in IC 36-2-14.

(2) Mandatory training and continuing education requirements for deputy coroners, including education and training requirements set forth in IC 36-2-14.

(3) Minimum requirements for continuing education instructors approved by the board.

(4) The necessary administration of this chapter.

Sec. 8. (a) The coroners training and continuing education fund is established for the purpose of providing money for the purposes under section 9 of this chapter. The fund shall be administered by the board.

(b) Expenses of administering the fund shall be paid from money in the fund. The fund consists of gifts, grants, and amounts deposited under IC 16-37-1-9.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 9. The board may use the fund for the following purposes:

(1) Training equipment and supplies necessary to operate the fund.

(2) Aid to approved training programs that have met the

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1 minimum requirements of the board.

2 (3) Travel, regional conferences, and other expenses actually  
3 incurred in connection with the member's duties.

4 (4) Any other purpose that the board determines is necessary  
5 to carry out this chapter.

6 Sec. 10. The board shall consult with the Indiana law  
7 enforcement academy under IC 36-2-14-22.3 concerning criminal  
8 investigations in the creation of:

9 (1) the training course for coroners and deputy coroners  
10 under IC 36-2-14-22.3(a); and

11 (2) the annual training course for coroners and deputy  
12 coroners under IC 36-2-14-22.3(b).

13 SECTION 2. IC 16-19-15 IS ADDED TO THE INDIANA CODE  
14 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2009]:

16 **Chapter 15. Coroner Review Board**

17 Sec. 1. As used in this chapter, "board" refers to the coroner  
18 review board established by section 2 of this chapter.

19 Sec. 2. (a) The coroner review board is established within the  
20 state department.

21 (b) The state department shall provide staff and administrative  
22 support to the board.

23 Sec. 3. (a) The board consists of seven (7) members. The board  
24 must include the following:

25 (1) The state health commissioner or the commissioner's  
26 designee.

27 (2) Six (6) county coroners appointed by the governor, who  
28 shall consider appointing coroners who are women or  
29 members of minority groups.

30 (b) Not more than three (3) of the county coroner members of  
31 the board may be from the same political party.

32 Sec. 4. (a) The state health commissioner or the commissioner's  
33 designee shall serve as chairperson of the board.

34 (b) The board shall annually elect a vice chairperson from  
35 among the members of the board.

36 Sec. 5. The board shall meet at the call of the chairperson.

37 Sec. 6. (a) The board shall review a coroner's determination of  
38 a cause of death listed on a certificate of death.

39 (b) Any family member of a deceased person who disputes a  
40 coroner's determination of a cause of death may petition the board  
41 to review a case.

42 (c) In conducting a review under subsection (a), the board shall

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review every record concerning the deceased that is held by:

- (1) a coroner;
- (2) a law enforcement agency; and
- (3) a hospital, physician, or mental health professional.

(d) The board may require any individual to provide testimony who may have information to assist the board in the review of a cause of death.

(e) If the board requests records from a hospital, physician, coroner, or mental health professional regarding a death that the board is investigating, the hospital, physician, coroner, or mental health professional shall provide the requested records, subject to IC 34-30-15, to the board.

Sec. 7. (a) Except as provided in subsection (b), meetings of the board are open to the public.

(b) Except as provided in subsection (d), a meeting of the board that involves:

- (1) confidential records; or
- (2) identifying information regarding the death of a person that is confidential under state or federal law;

shall be held as an executive session.

(c) If a meeting is held as an executive session under subsection (b), each individual who:

- (1) attends the meeting; and
- (2) is not a member of the board;

shall sign a confidentiality statement prepared by the department. The board shall keep all confidentiality statements signed under this subsection.

(d) A majority of the members of the board may vote to disclose any report or part of a report regarding a review of death if the information is in the general public interest as determined by the board.

Sec. 8. Members of the board and individuals who attend a meeting of the board as an invitee of the chairperson:

- (1) may discuss among themselves confidential matters that are before the board;
- (2) are bound by all applicable laws regarding the confidentiality of matters reviewed by the board; and
- (3) except when acting:
  - (A) with malice;
  - (B) in bad faith; or
  - (C) with gross negligence;

are immune from any civil or criminal liability that might

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otherwise be imposed as a result of communicating among themselves about confidential matters that are before the board.

**Sec. 9. The state department shall provide training to the board.**

**Sec. 10. The affirmative votes of a majority of the members of the board are required for the board to take action on any measure.**

**Sec. 11. If the board determines that a coroner incorrectly determined a cause of death, the board may order the coroner to issue a corrected certificate of death listing the cause of death determined by the board.**

**Sec. 12. The expenses of the board shall be paid from funds appropriated to the state department.**

SECTION 3. IC 16-37-1-9, AS AMENDED BY P.L.3-2008, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) **Except as provided in subsection (c)**, a local health department may make a charge under IC 16-20-1-27 for each certificate of birth, death, or stillbirth registration. IC 5-14-3-8(d) does not apply to the health department making a charge for a certificate of birth, death, or stillbirth registration under IC 16-20-1-27.

(b) If the local department of health makes a charge for a certificate of death under subsection (a), the coroners continuing education fee described in ~~subsection~~ **subsections (d) and (e)** must be added to the rate established under IC 16-20-1-27. The local department of health shall deposit any coroners continuing education fees with the county auditor within thirty (30) days after collection. The county auditor shall transfer semiannually any coroners continuing education fees to the treasurer of state.

(c) Notwithstanding IC 16-20-1-27, a charge may not be made for furnishing a certificate of birth, death, or stillbirth registration to a person or to a member of the family of a person who needs the certificate for one (1) of the following purposes:

(1) To establish the person's age or the dependency of a member of the person's family in connection with:

(A) the person's service in the armed forces of the United States; or

(B) a death pension or disability pension of a person who is serving or has served in the armed forces of the United States.

(2) To establish or to verify the age of a child in school who desires to secure a work permit.

(d) The coroners continuing education fee is:

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- (1) one dollar and seventy-five cents (\$1.75) after June 30, 2007, and before July 1, 2013;
- (2) two dollars (\$2) after June 30, 2013, and before July 1, 2018;
- (3) two dollars and twenty-five cents (\$2.25) after June 30, 2018, and before July 1, 2023;
- (4) two dollars and fifty cents (\$2.50) after June 30, 2023, and before July 1, 2028;
- (5) two dollars and seventy-five cents (\$2.75) after June 30, 2028, and before July 1, 2033;
- (6) three dollars (\$3) after June 30, 2033, and before July 1, 2038;
- (7) three dollars and twenty-five cents (\$3.25) after June 30, 2038, and before July 1, 2043; and
- (8) three dollars and fifty cents (\$3.50) after June 30, 2043.

**(e) The coroners continuing education fee for additional copies of a certificate of death are as follows:**

- (1) An additional copy is one dollar (\$1).**
- (2) A second additional copy is two dollars (\$2).**
- (3) A third additional copy is three dollars (\$3).**
- (4) A fourth additional copy is four dollars (\$4).**
- (5) Each additional copy is four dollars (\$4) for each copy.**

SECTION 4. IC 34-30-20-64.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 64.5. IC 16-19-15-8 (Concerning a member of the coroner review board or a person who attends a meeting of the coroner review board as an invitee of the chairperson).**

SECTION 5. IC 36-2-14-22.3, AS ADDED BY P.L.3-2008, SECTION 258, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 22.3. (a) The coroners training board established by ~~IC 4-23-6-5-3~~, IC 16-19-14-3**, in consultation with the Indiana law enforcement academy, shall create and offer a training course for coroners and deputy coroners. The training course must include:

- (1) at least forty (40) hours of instruction; and
- (2) instruction regarding:
  - (A) death investigation;
  - (B) crime scenes; and
  - (C) preservation of evidence at a crime scene for police and crime lab technicians.

(b) The coroners training board, in consultation with the Indiana law enforcement academy, shall create and offer an annual training course for coroners and deputy coroners. The annual training course must:

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- 1 (1) include at least eight (8) hours of instruction; and
- 2 (2) cover recent developments in:
  - 3 (A) death investigation;
  - 4 (B) crime scenes; and
  - 5 (C) preservation of evidence at a crime scene for police and
  - 6 crime lab technicians.
- 7 (c) In creating the courses under subsections (a) and (b), the
- 8 coroners training board shall consult with a pathologist certified by the
- 9 American Board of Pathology regarding medical issues that are a part
- 10 of the training courses.
- 11 (d) All training in the courses offered under subsections (a) and (b)
- 12 that involves medical issues must be approved by a pathologist
- 13 certified by the American Board of Pathology.
- 14 (e) All training in the courses offered under subsections (a) and (b)
- 15 that involves crime scenes and evidence preservation must be approved
- 16 by a law enforcement officer.
- 17 (f) The coroners training board shall issue a coroner or deputy
- 18 coroner a certificate upon successful completion of the courses
- 19 described in subsections (a) and (b).
- 20 SECTION 6. IC 4-23-6.5 IS REPEALED [EFFECTIVE JULY 1,
- 21 2009].
- 22 SECTION 7. [EFFECTIVE JULY 1, 2009] **(a) The funds that**
- 23 **remain on July 1, 2009, in the coroners training and education**
- 24 **fund established by IC 4-23-6.5-8, as repealed by this act, shall be**
- 25 **transferred to the coroners training and continuing education fund**
- 26 **established by IC 16-19-14-8, as added by this act.**
- 27 **(b) This SECTION expires December 31, 2009.**

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